

Assembly Joint Resolution

No. 19

Introduced by Assembly Member Pan

April 30, 2013

Assembly Joint Resolution No. 19—Relative to veterans.

LEGISLATIVE COUNSEL’S DIGEST

AJR 19, as introduced, Pan. Veterans’ benefits: reinstatement.

This measure would urge Congress and the President to reinstate benefits to those veterans discharged from the Armed Forces of the United States solely on the basis of their sexual orientation.

Fiscal committee: no.

1 WHEREAS, In 1993, Congress adopted a policy known as Don’t
2 Ask, Don’t Tell (DADT), prohibiting service personnel from
3 inquiring, or volunteering information, about their sexual
4 orientation. Prior to 1993, federal law and military regulations
5 prohibited homosexuality in the Armed Forces of the United States;
6 and

7 WHEREAS, From 1980 until the repeal of DADT in 2011, over
8 32,000 service personnel were separated from the Armed Forces
9 of the United States under DADT and its predecessor policies; and

10 WHEREAS, More than 13,000 service personnel were separated
11 from the Armed Forces of the United States after the adoption of
12 DADT. Approximately one-quarter of these discharges occurred
13 during the service member’s first four months of service; and

14 WHEREAS, California law prohibits discrimination on the basis
15 of race, national origin, ethnic group identification, religion, age,

1 sex, sexual orientation, color, genetic information, or disability;
2 and

3 WHEREAS, Generally, veterans separated from the military
4 with a discharge that is characterized as “dishonorable” or “other
5 than honorable” are ineligible to receive federal or state veterans’
6 benefits; and

7 WHEREAS, Section 711.1 of the Military and Veterans Code
8 assists veterans by requiring the Department of Veterans Affairs
9 to provide Internet resources, Internet links, and printed materials
10 regarding, or created by, veterans’ legal services organizations
11 that specialize in military discharge upgrades, or links to Internet
12 resources that provide information and printed resources provided
13 by veterans’ legal services organizations. It also provides that if
14 the federal government acts to reinstate benefits to discharged
15 veterans who were denied those benefits solely on the basis of
16 sexual orientation pursuant to any federal policy prohibiting
17 homosexual personnel from serving in the Armed Forces of the
18 United States, the state shall reinstate to those veterans any
19 state-offered benefits; and

20 WHEREAS, We must work to ensure that California veterans
21 who were discharged solely on the basis of their sexual orientation
22 can access benefits regardless of the classification of their
23 discharge; now, therefore, be it

24 *Resolved by the Assembly and the Senate of the State of*
25 *California, jointly,* That the Legislature urges Congress and the
26 President to reinstate benefits to those veterans discharged from
27 the Armed Forces of the United States solely on the basis of their
28 sexual orientation; and be it further

29 *Resolved,* That the Chief Clerk of the Assembly transmit copies
30 of this resolution to the President and Vice President of the United
31 States, to the Speaker of the House of Representatives, to the
32 Majority Leader of the Senate, and to each Senator and
33 Representative from California in the Congress of the United
34 States.

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